S.B. CRIMINAL MISC.PETITION NO.1438/2006.

Shekhar Singh Vs. State

Date of Order : 18/8/2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. Ram Sharan Sharma for the petitioner.
Mr. Arun Sharma P.P. for the State.

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This petition under Section 482 Cr.P.C., petitioner seeks quashing of order dated 17/7/2006 passed by learned Special Judge (NDPS Cases) Chhabra, Distt.Baran in Cr.Misc.Appl.No.252/2006 arising out of FIR No.105/2005 PS Bapocha for offence u/S.8/18 of the NDPS Act, 1985 whereby the application moved by the petitioner u/S.457 Cr.P.C. for releasing Bajaj Boxer Motor Cycle bearing Registration No.RJ-28-S.A. 5955 on supardiginama to him during the pendency of the case has been rejected.

I have heard learned counsel for petitioner Shekhar Singh, learned Public Prosecutor for the State and have perused the relevant documents placed before me.

It is not in dispute that the petitioner is the registered owner of the vehicle in question and there is no other claimant of the vehicle. No useful purpose will be served in keeping the vehicle in police custody. It may deteriorate its condition which will be a national wastage. There is no statutory bar on the release of the vehicle on supardiginama during the trial.

Thus, considering all the facts and circumstances of the case, I deem it just and proper to allow this petition under Section 482 Cr.P.C. for securing ends of justice.

In the result, this petition under Section 482 Cr.P.C. is allowed and order dated 17/7/2006 passed by learned Special Judge (NDPS Cases) Chhabra, Distt.Baran in Cr.Misc.Appl.No.252/2006 arising out of FIR No.105/2005 PS Bapocha for offence u/S.8/18 of the NDPS Act, 1985 is hereby quashed and set-aside and it is directed that during the pendency of the proceedings the custody of Bajaj Boxer Motor Cycle bearing Registration No.RJ-28-S.A. 5955 shall be handed over to petitioner Shekhar Singh S/o Hari Prasad on his furnishing a “Supardiginama” in the sum of Rs.50,000/- undertaking to produce the vehicle in question before the concerned court as and when required and shall keep the condition of the vehicle intact and shall not transfer, mortgage or otherwise alienate the vehicle or damage it and change its shape in any manner whatsoever. He shall also furnish photographs of the Motor Cycle showing its numbers, colour etc. The application of the petitioner for release of the vehicle in question is allowed accordingly.

(HARBANS LAL), J.

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